

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:09CR291
)	
vs.)	ORDER
)	
JOHN R. BRIASCO and)	
CLAUDETTE A. TRAVER,)	
)	
Defendant.)	

This matter is before the court on the motion of the government to continue the suppression hearing (Filing No. 31). Government's counsel represents that an essential witness will be unavailable due to a medical condition. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. The motion to continue the suppression hearing (Filing No. 31) is granted.
2. The hearing on the defendants' motions to suppress is re-scheduled for **December 10, 2009 at 9:00 a.m.** The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendants in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **October 29, 2009 and December 10, 2009**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that an essential witness is unavailable. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(3)(A).

DATED this 29th day of October, 2009.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge